

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELISSA ENG-HATCHER, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

SPRINT NEXTEL CORPORATION;
SPRINT/UNITED MANAGEMENT
COMPANY; and DOES 1 through 10,
Inclusive,

Defendants.

Case No. 07-CV-7350(BSJ)(KNF)

**[PROPOSED] NOTICE OF
COLLECTIVE ACTION**

TO: ALL CURRENT AND FORMER NON-EXEMPT HOURLY PAID EMPLOYEES (COLLECTIVELY “RETAIL CONSULTANTS”) EMPLOYED BY SPRINT NEXTEL CORPORATION AND / OR SPRINT UNITED MANAGEMENT COMPANY (“SPRINT”) FROM [DATE 3 YEARS PRIOR TO THE MAILING DATE] TO THE PRESENT.

RE: FAIR LABOR STANDARDS ACT UNPAID MINIMUM WAGES AND OVERTIME COMPENSATION LAWSUIT FILED AGAINST SPRINT.

INTRODUCTION

The purpose of this notice (“FLSA Notice”) is to: (i) inform you of a collective action lawsuit in which you are potentially “similarly situated” to the named Plaintiff; (ii) advise you of how your rights may be affected by this action; and (iii) instruct you on the procedure to participate in this lawsuit if you choose to do so.

DESCRIPTION OF THE ACTION

On August 17, 2007, an action was filed in the United States District Court for the Southern District of New York against Sprint Nextel Corporation and Sprint United Management Company (together “Sprint” and “Defendant”) on behalf of the named Plaintiff and all other similarly situated individuals who worked as non-exempt hourly paid employees in Defendant’s

retail stores (collectively “Retail Consultants”) during the past three years. Specifically, the action alleges that these individuals are owed wages pursuant to the federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207, for hours worked which they did not receive compensation, including premium overtime compensation for any hours worked in excess of forty (40) hours per week. Plaintiff also seeks an additional amount as liquidated damages equal to the amount of unpaid wages, as well as attorneys’ fees and costs. This litigation is currently in the early pretrial stage.

Sprint denies Plaintiff’s allegations and maintains that it complied with the FLSA.

PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The U.S. District Court has ordered this FLSA Notice to be distributed to:

All persons who work or have worked for Sprint as Retail Consultants anywhere in the United States at any time from [DATE 3 YEARS PRIOR TO THE MAILING DATE], to the present.

YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you received this notice, it is likely that Sprint has included your name on a list of individuals who fit the definition above. If you fit this definition, and believe that you were not paid by Sprint for all of the hours you worked (including overtime hours) at any time during the last three years, you may choose to join this action by completing the attached “Consent To Sue” form and mailing or faxing it to Plaintiff’s counsel at the following address:

SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP
ATTENTION: Gerald D. Wells, III
280 King of Prussia Road
Radnor, PA 19087
Facsimile: (610) 667-7056
Telephone: (610) 667-7706
Website: www.sbtklaw.com

The Consent To Sue form must be received in sufficient time for Plaintiff's counsel to file it with the Court but no later than one hundred twenty (120) days after the date which the FLSA Notice is mailed by Plaintiff's counsel.

EFFECT OF JOINING OR NOT JOINING THIS SUIT

If you choose to join this lawsuit, both you and Sprint will be bound by any ruling, judgment, award or settlement, whether favorable or unfavorable, that you may have against Sprint under the FLSA. If you do not join this action, you are free to take action on your own.

If you file a Consent To Sue form your continued right to participate in this action will depend upon a later decision by the Court that you and the named Plaintiff are "similarly situated" in accordance with applicable laws, and that it is appropriate for this case to proceed as a collection action.

You should also be aware that you may be required to testify or answer questions under oath during the subsequent stages of this action.

STATUTE OF LIMITATIONS

If you choose *not* to join this lawsuit, you should be aware that the FLSA has a statute of limitations of two to three years, depending on issues yet to be resolved by the Court. If you choose to join this action, or choose to bring your own action, you may be able to recover damages if you were improperly denied compensation only during weeks worked within a maximum of three years of the date you file your Consent To Sue form. If you choose not to join in this action or file your own action, some or all of your potential claims may become time-barred.

Generally, claims for unpaid minimum wages and overtime compensation under the FLSA must be filed within two years after a wage violation, or within three years if the violation

was determined to be willful, as defined by law. Any claims for minimum wages and/or overtime pay pursuant to the FLSA which are not filed within these time limits are likely to be denied by the Court as untimely.

Choosing *not* to sign and submit a Consent To Sue form will not affect your eligibility, if any, to recover compensation for unpaid compensation under the applicable laws of your state.

NO RETALIATION PERMITTED

Federal law prohibits retaliation against employees for exercising their rights under the FLSA. Therefore, Sprint is prohibited from discharging you or retaliating against you in any other manner because you choose to participate in this action.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this suit by filing a Consent To Sue form, your interests will be represented by Plaintiff's legal counsel:

Joseph H. Meltzer
Gerald D. Wells, III
Nick S. Williams
Robert W. Biela
SCHIFFRIN BARROWAY TOPAZ & KESSLER, LLP
280 King of Prussia Road
Radnor, PA 19087
Telephone: 610-667-7706
Facsimile: 610-667-7056

The attorneys are being paid on a contingency fee and/or statutory basis, which means that if there is no recovery, there will be no attorneys' fees. Likewise, you will not be required to pay for any costs associated with this action, unless there is a recovery. If there is a recovery, the attorneys will be compensated from any settlement obtained or money judgment entered in favor of all members of the class.

FURTHER INFORMATION

Further information about this lawsuit or this notice can be obtained by contacting Plaintiff's legal counsel at the address or telephone number provided above.

CONCLUSION

THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. THE COURT HAS MADE NO DECISION IN THIS CASE ABOUT THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES.

Kevin Nathaniel Fox
United States Magistrate Judge